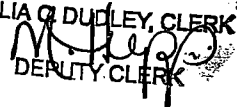


DEC 28 2017

JULIA G. DUDLEY, CLERK
BY: 
DEPUTY CLERK

In the United States District Court
For the Western District of Virginia
Danville Division

Brian David Hill
Plaintiff(s)

v.

Civil Action No. 4:17-cv-00027

Executive Office for United States Attorneys
(EOUSA)
&
United States Department of Justice (U.S. DOJ)
Defendant(s)

**PLAINTIFF'S MOTION TO REDACT AND REQUEST FOR A
PROTECTIVE ORDER TO REDACT SOCIAL SECURITY NUMBER
PROTECTED BY THE UNITED STATES PRIVACY ACT OF 1974**

MOTION AND BRIEF IN SUPPORT OF THIS MOTION

1. Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure ("FRCP"), Plaintiff Brian David Hill ("Brian D. Hill", "Plaintiff", or "Hill") is filing an urgent or emergency request with the Court requesting that Plaintiff's social security number be redacted by the Defendants' attachment filings under Documents #49-7, #49-6, and #49-3. Plaintiff requests a quick protective order as explained herein.
2. On December 22, 2017, Defendants' Attorney Cheryl T. Sloan (NCSB #12557, *Special Assistant U.S. Attorney, 101 S. Edgeworth St., 4th Floor, Greensboro, NC 27401*) filed the Document #48 "*MOTION for Summary Judgment by Executive Office for United States Attorneys, United States Department Of Justice. (Sloan,*

Cheryl)". The Plaintiff will file an opposing brief to the Government's motion either around the same time that this separate "Motion to Redact..." will be filed or at a later time prior to the deadline to file an opposing brief to Movant's motion before it is granted or denied. **However this separate motion takes precedent over the opposing brief as the Government has committed a serious Rule 5.2 violation which must be addressed as soon as possible to protect the Plaintiff from identity theft, social security fraud, and deprivation of the U.S. Privacy Act rights afforded to the Plaintiff under Federal Law.**

3. On December 22, 2017, Defendants' Attorney Cheryl T. Sloan (*NCSB #12557, Special Assistant U.S. Attorney, 101 S. Edgeworth St., 4th Floor, Greensboro, NC 27401*) filed the Document #49 "Brief / Memorandum in Support re 48 MOTION for Summary Judgment . filed by Executive Office for United States Attorneys, United States Department Of Justice. (Attachments: # 1 Exhibit A – Princina Stone Declaration, # 2 1, # 3 2, # 4 3, # 5 4, # 6 5, # 7 6, # 8 7, # 9 8, # 10 Exhibit B – Carolyn Loye Declaration)(Sloan, Cheryl)".
4. On December 22, 2017, Defendants' Attorney Cheryl T. Sloan has improperly filed on public court record (**in non-compliance with Rule 5.2 FRCP**) and on the internet (via PACER.GOV, CM/ECF system) the **Plaintiff's social security number without redacting all but the last four characters** as is evidenced in Document #49-6, Filed 12/22/17, Page 5 of 13, Pageid#: 845; Document #49-3, Filed 12/22/17, Page 2 of 3, Pageid#: 835; and Document #49-7, Filed 12/22/17, Page 2 of 2, Pageid#: 855.

5. The Plaintiff has not given any written nor oral consent to publish Plaintiff's social security number onto the internet and onto the Federal Court record as a matter of public record. The Government has not provided any evidence to the Court that the Defendants' were given any prior written nor oral consent to publish Plaintiff's social security number onto the internet and onto the Federal Court record as a matter of public record.
6. With services such as PACER.GOV, the Office of the Clerk, RECAP tool, and the fact that all Court Documents may be stored in electronic format using Portable Document Format ("PDF") files inside the CM/ECF system as well as Public Access to Court Electronic Records ("PACER"), as Plaintiff has been aware of PACER since December 2013, as well as Plaintiff's family. Anybody with a PACER account or makes a request for copies of records from the Clerk's Office has access to Federal Court documents/records and can save and/or scan and/or photograph such records/documents/filings, and share those records with the general public.
7. This puts the Plaintiff at a severely high risk of identity theft, that in the future somebody can commit crimes and/or purchase and/or acquire services from private and/or possibly Government entities by fraudulent usage of Plaintiff's social security number if it is fully published to the general public without redaction. That people whom research Court documents can find Plaintiff's social security number from the Defendants' Doc. #49 filing attachments or even further publish that social security number to the general public. That a person could

commit a crime and then provide the Plaintiff's social security number which could create a future frame up of the Plaintiff by using Plaintiff's social security number under fraudulent means. Plaintiff has already been framed with child pornography as the threatening emails from tormail.org had directed would happen to him, and does not need the U.S. Attorney to put him at risk of a future frame up operation, identity theft, or inappropriate sharing of Plaintiff's social security number to the general public which of course social security numbers are protected under the U.S. Privacy Act. In a sense, a bad actor could purchase an internet service or any kind of service and supply Plaintiff's social security number fraudulently instead of the service requester's own social security number. There are many possibilities of how publishing a private citizen's social security number could end badly since a Social Security Number is a National identification number and is tied to the birth and full name of each American citizen of the United States of America.

8. There is no good reason to publish the social security number to the general public including the internet as the social security number was only required to be sent to verify the identity of the Freedom of Information Act ("FOIA"), aka the FOIA Requester requesting information/records on himself.
9. That the sensitive information that the Court needs to ORDER a redaction are as follows:

- a. Document #49-7, Filed 12/22/17, Page 2 of 2, Pageid#: 855: “I declare that I am Brian David Hill, that I am currently a U.S. Citizen, and that I am born on May 26, 1990. My SS# is [REDACT]0319.”
- b. Document #49-3, Filed 12/22/17, Page 2 of 3, Pageid#: 835: “I declare that I am Brian David Hill, that I am currently a U.S. Citizen, and that I am born on May 26, 1990. My SS# is [REDACT]0319.”
- c. Document #49-6, Filed 12/22/17, Page 5 of 13, Pageid#: 845: “I declare that I am Brian David Hill, that I am currently a U.S. Citizen, and that I am born on May 26, 1990. My SS# is [REDACT]0319.”

10. Filing those FOIA requests, filing FOIA Appeal documents, and Declarations to any of those does not preclude and neither does it waive the Plaintiff of privacy protections under the U.S. Privacy Act protecting his social security number from being disclosed to the general public which puts the Plaintiff at risk of identity theft, and/or future social security fraud by any assailant that may decide to use Plaintiff's social security number for any malicious purpose. The social security number was only meant to certify or verify the identity of the FOIA Requester requesting records on himself, and that the social security number was only meant to prove the U.S. citizenship of Brian David Hill and that he is in fact the very same person that was in the Federal Prosecution files.

11. The U.S. Attorney Office is part of the United States Department of Justice (“U.S. DOJ”), a federal agency, and is bound by the U.S. Privacy Act federal law and

cannot just freely disclose the social security number of a FOIA requester to the general public as it may be retaliation, harassment, or simply incompetency.

12. Defendants' Attorney filed a Declaration by Princina Stone (Document #49-1, Filed 12/22/17, Page 6 of 8, Pageid#: 828) stating that "*Exemption 6 protects from disclosure records related to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."* To determine whether Exemption 6 would protect the information in question from disclosure, the agency must determine whether 1) the information in question is contained in personnel, medical, or "similar" files, and 2) disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy by balancing the public's right to disclosure of the information against the individual's right to privacy." It is ironic that the U.S. Attorney Office claims they are trying to protect privacy while systemically trying to deprive the Plaintiff of his Constitutional rights as a criminal Defendant under Brady v. Maryland ("Brady") and Giglio V. United States ("Giglio"), the Jencks Act, to have access to his entire criminal case discovery which such evidence had caused the Plaintiff to wrongfully be convicted and forced to register as a Sex Offender. Then that same U.S. Attorney Office decides to release Plaintiff's social security number on public record as if the Plaintiff has no right to privacy of his social security number and deserves identity theft and being set up criminally in the future for being a victim of a child pornography set up at the beginning. They act as though they try to enforce the very U.S. Privacy Act to deprive the Plaintiff of his

Constitutional right to his original criminal case discovery papers guaranteed by Brady and Giglio while sharing his social security number on public court record as if saying that they are above the law and can harm, abuse, and cause suffering to Plaintiff for simply wanting to prove his actual innocence to get off of the horrible nasty sex offender registry.

PLAINTIFF'S REQUEST FOR RELIEF

13. The Plaintiff asks that the Court ORDER that the Defendants' Attorney Cheryl T.

Sloan correct her filings by REDACTING the sensitive social security numbers listed in Documents # 49-6, # 49-3, and 49-7. All in protection of Plaintiff's privacy rights under Rule 5.2 of the Federal Rules of Civil Procedure, the U.S. Privacy Act, and any other applicable law.

14. That if it is necessary for Defendants' Attorney Cheryl T. Sloan to file the social security number with the Court for the proper administration of justice in this FOIA case, that the evidence attachments with the sensitive "social security number" be filed under SEAL, and that those social security numbers be redacted for the public record that isn't filed under seal.

15. That the Defendants' Attorney Cheryl T. Sloan apologize for publishing the social security number multiple times and putting the Plaintiff at risk of identity theft and may become a victim of social security fraud as a result of the reckless actions of

Defendants' Attorney Cheryl T. Sloan in her quick bid to attempt to dismiss Plaintiff's FOIA case by wrongful Summary Judgment.

16. That the Plaintiff requests any other relief that the Court deems as necessary or proper under Federal Law, Federal Court case law, any Constitutional international treaties, under the Federal Court Rules, and under the Constitution of the United States.

17. That since releasing an individual's social security number is sensitive, **Plaintiff requests that the Court quickly issue a protective order barring the social security numbers from being publicized to the general public as soon as possible.**

Plaintiff respectfully files this "PLAINTIFF'S MOTION TO REDACT AND REQUEST FOR A PROTECTIVE ORDER TO REDACT SOCIAL SECURITY NUMBER PROTECTED BY THE UNITED STATES PRIVACY ACT OF 1974 -- MOTION AND BRIEF IN SUPPORT OF THIS MOTION" with the Court.

Plaintiff requests with the Court that a copy of this "PLAINTIFF'S MOTION TO REDACT AND REQUEST FOR A PROTECTIVE ORDER TO REDACT SOCIAL SECURITY NUMBER PROTECTED BY THE UNITED STATES PRIVACY ACT OF 1974 -- MOTION AND BRIEF IN SUPPORT OF THIS MOTION" be served upon the Government as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the defendants' and the U.S. Attorney office of Roanoke, VA and AUSA Cheryl T. Sloan via CM/ECF Notice of Electronic Filing ("NEF") email.

Thank You!

This PLAINTIFF'S MOTION TO REDACT is respectfully filed with the Court, this the 23rd day of December, 2017

<p>Date of signing:</p> <p><u>December 23, 2017</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 2</p> <p>Martinsville, VA 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p>
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CERTIFICATE OF SERVICE

Plaintiff hereby certifies that on September 23, 2017, service was made by mailing the original of the foregoing

"PLAINTIFF'S MOTION TO REDACT AND REQUEST FOR A PROTECTIVE ORDER TO REDACT SOCIAL SECURITY NUMBER PROTECTED BY THE UNITED STATES PRIVACY ACT OF 1974 -- MOTION AND BRIEF IN SUPPORT OF THIS MOTION"

by deposit in the United States Post Office, Postage prepaid under certified mail tracking no. 7014-2120-0000-5320-6724, on September 23, 2017 addressed to the Clerk of the Court in the U.S. District Court, for the Western District of Virginia, Danville division (P.O. Box 1400). Then Plaintiff requests that the Clerk of the Court shall have electronically filed the foregoing **"PLAINTIFF'S MOTION TO REDACT AND REQUEST FOR A PROTECTIVE ORDER TO REDACT SOCIAL SECURITY NUMBER PROTECTED BY THE UNITED STATES PRIVACY ACT**

OF 1974 -- MOTION AND BRIEF IN SUPPORT OF THIS MOTION" using the CM/ECF system which will send notification of such filing to the following parties:

Cheryl Thornton Sloan
U.S. Attorney Office
Civil Case # 4:17-cv-00027, Appeal Case # 17-1866
101 South Edgeworth Street, 4th Floor
Greensboro, NC 27401
cheryl.sloan@usdoj.gov

This is pursuant to Plaintiff's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases..." the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>December 23, 2017</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed</p> <p>Brian D. Hill (Pro Se)</p> <p>310 Forest Street, Apartment 2</p> <p>Martinsville, VA 24112</p> <p>Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p>
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